

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

MARC WILSON,)
)
Plaintiff,)
)
v.) No. 2:17CV4 HEA
)
JAYNA STEVENSON,)
)
Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon the motion of plaintiff Marc Wilson, an inmate at the Northeast Correctional Center, for leave to commence this civil action without prepayment of the filing fee. (Docket No. 2). The motion will be granted, and the Court will assess an initial partial filing fee of \$25.17.

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner bringing a civil action *in forma pauperis* is required to pay the full amount of the filing fee. If the prisoner has insufficient funds in his prison account to pay the entire fee, the Court must assess and, when funds exist, collect an initial partial filing fee of 20 percent of the greater of (1) the average monthly deposits in the prisoner's account, or (2) the average monthly balance in the prisoner's account for the prior six-month period. 28 U.S.C. § 1915(b)(1). After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20 percent of the preceding month's income credited to his account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each time the amount in the prisoner's account exceeds \$10.00, until the filing fee is fully paid. *Id.*

Plaintiff filed a civil complaint in this Court on January 19, 2017 alleging a state law claim of breach of fiduciary duty against defendant Jayna Stevenson. On that date, he also filed the instant motion for leave to proceed *in forma pauperis*, but failed to submit a certified inmate account statement as required by 28 U.S.C. § 1915(a)(2). In an order dated February 2, 2017, this Court ordered him to do so, and he timely complied. Having reviewed the certified inmate account statement for the relevant time period, the Court has determined to assess an initial partial filing fee of \$25.17, twenty percent of plaintiff's average monthly deposit.

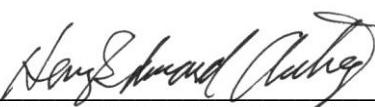
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed *in forma pauperis* (Docket No. 2) is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff must pay an initial partial filing fee of \$25.17 within twenty-one (21) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) this case number; and (4) the statement that the remittance is for an original proceeding.

Plaintiff's failure to timely comply with this Order may result in the dismissal of this action without notice and without further proceedings.

Dated this 3rd day of March, 2017.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE